

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**BCS SOFTWARE, LLC,**

**Plaintiff**

v.

**OPEN TEXT, INC.**

**Defendant.**

**Case No. 6:21-cv-00050-ADA**

**JOINT CLAIM CONSTRUCTION STATEMENT**

Plaintiff BCS Software, LLC (“BCS”) and Defendant Open Text, Inc. (“Open Text”) respectfully submit this Joint Claim Construction Statement for the asserted claims of U.S. Patent No. 8,819,120 (“the ‘120 Patent”).

## I. DISPUTED CLAIM TERMS

### A. Term 1: “File List”

Term	Claims	Plaintiff's Construction	Defendant's Construction
File List	1, 6, 12, 15, 19, 20 and 21	<p>No construction necessary/plain and ordinary meaning</p> <p>or in the alternative, “logic interface displayed on a client machine that allows a user to download from or upload files to a store on a network”</p>	logic interface maintained on the client machine that provides bulletin board functions to allow downloading of files

**B. Term 2: “Independent of a File Path”**

<b>Term</b>	<b>Claims</b>	<b>Plaintiff’s Construction</b>	<b>Defendant’s Construction</b>
Independent of a File Path	1, 12, and 19	<p>No construction necessary/plain and ordinary meaning</p> <p>Or in the alternative, “without the user having knowledge as to where a store behind the file list is located on a network”</p>	Indefinite

**C. Term 3: “Internal Mail”**

<b>Term</b>	<b>Claims</b>	<b>Plaintiff’s Construction</b>	<b>Defendant’s Construction</b>
Internal Mail	12 and 19	<p>No construction necessary/plain and ordinary meaning</p> <p>Or in the alternative, “private electronic communication that includes exchange of messages only among registered users served by a server and uses identifiers in delivering email exchanges”</p>	<p>private electronic communication system that permits email exchanges only among registered users served by a server for a group collaboration platform, and does not use email servers or email addresses in delivering email messages</p>

**D. Term 4: “Independent of a File Path and Unnavigable to by a User”**

<b>Terms</b>	<b>Claims</b>	<b>Plaintiff's Construction</b>	<b>Defendant's Construction</b>
Independent of a File Path and Unnavigable to by a User	1, 12, and 19	<p>No construction necessary/plain and ordinary meaning</p> <p>Or in the alternative, “without the user having knowledge as to where a store behind the file list is located on a network”</p>	<p>Term “independent of a file path” is indefinite.</p> <p>Otherwise no construction necessary, plain and ordinary meaning</p>

Dated: September 13, 2021

Respectfully submitted,

/s/ Thomas G. Fasone III  
(with permission by Jennifer P. Ainsworth)

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**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on September 13, 2021, with a copy of this document via the Court's CM/ECF. Any other counsel of record will be served by First Class U.S. Mail on this same date.

*/s/ Jennifer P. Ainsworth*  
Jennifer P. Ainsworth

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel have conferred concerning this Joint Statement and this Joint Statement sets out the Parties' positions.

*/s/ Jennifer P. Ainsworth*  
Jennifer P. Ainsworth